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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/610,129
Filing Date: July 05, 2000
Appellant(s): RASCHE ET AL.

Geoffrey L. Oberhaus
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/29/2004.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 15-17, 20-23, and 25.

Claims 1-7, 9, and 11-13 are allowed as decided by the appeal conference.

The conferees conclude that the stand-alone printer of Satomi et al (US 4,759,053) is not capable of processing and printing digital photograph, acquired by a digital camera. The printer technology in 1988 does not allow printers to process and print digital photograph, acquired by a digital camera, independent of an external host device.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: There is one issue on appeal for review by the Board, as follows:

A. The rejection of claims 15-17, 20-23, and 25 under USC 103 (a) as being unpatentable over Colbert et al (US 5,699,494) in view of Yamazoe et al (US 6,628,825).

(7) Grouping of Claims

The rejection of claims 15-17, 20-23, 25 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,699,494	Colbert et al.	12-1997
6,628,825	Yamazoe et al.	9-2003

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 15-17, 20-23, 25 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 7/21/2004.

(11) Response to Argument

Appellant, on the middle of page 9, brief, argues Colbert et al does not teach a method for diagnosing a stand - alone printer.

In response: Colbert, column 2, lines 15-20, teaches his invention is related to diagnosing a printer by describing the JetAdmin software run by a computer to diagnosing a connected printer in the background of the invention.

Colbert, column 13, lines 15-35, teaches the printer (16, fig. 1) is sending diagnostic information such as the printer is running low in toner or the printer is running normal with no alert conditions to a computer (11, fig. 1). The diagnostic information is sent soliciting a message/requirement (column 13, lines 25-27) received from the host. Column 13, lines 4-15, teaches the message received from the host is to be processed by the printer such that the printer would understand what the host want.

Appellant, on the bottom of page 9, and page 10, brief, argues Colbert et al's printer depends on an external host computer to process digital files because the computer is creating the print job command in a Postscript format and sending the created Postscript (file) to the printer for processing. Therefore, the printer depends on the computer and thereby, Colbert's printer is not a stand-alone printer. A stand-alone printer is a printer that is capable processing and printing digital file independent of external host devices.

In response: The postscript format command, as mentioned in page 10, line 8, brief, created and sent by the computer of Colbert, is a digital file. A file is a collection of related data. Therefore, the collection of the Postscript command in the form of a print job that is being sent to the printer for interpreting and rasterizing (processing) by the printer's controller (column 9, lines 53-60) is a file. Since computer only work with

digits and can only creates files in digits format, the Postscript file creates by the computer of Colbert is a digital file.

Moreover, the digital file, in the definition of the stand-alone printer (page 3, lines 19-23, specification of the appellant's invention) is the file received by the printer. Since the Postscript file received by the printer of Colbert must has already left the computer before the printer can receive the Postscript file, it is impossible for the computer to process the received Postscript file.

As point out by the appellant's brief, the bottom of page 9, that a stand-alone printer is a printer that is capable of processing and printing digital files independent of external host devices, such as a computer. By the appellant's definition, a computer is one kind of host devices. All digital files must be created by a host/computer/processor/computing device/microprocessor. If "the external host/computer/processor/computing device/microprocessor creating the digital file" has the same meaning as "the external host/computer/processor/computing device/microprocessor processing the digital file", appellant's printer must also depends on an external host (for creating the digital file).

Therefore, the examiner is interpreting the external host devices family, in the definition of stand-alone printer, includes: computer, processor, computing device, and microprocessor. The examiner also view the phrase "processing and printing digital files independent of an external host devices" in the definition of stand-alone printer, means "processing and printing an already created digital files (created by external host device) independent of external host devices."

Furthermore, the term ripping (page 3, lines 23, specification of the appellant's invention; line 2, page 11, brief) is the function performed by a raster image processor. A raster image processor is a device that converts vector graphics or text into a raster (bitmapped) image, the term ripping is similar to the term rasterizing of Colbert, column 9, line 57.

Because the printer of Colbert is capable or processing and printing digital file independent (only processing and printing, not creating) of host devices, the printer of Colbert is a stand-alone printer.

Appellant, on the top of page 11, argues that the examiner has conceded that Colbert does not teach, disclose or suggest that Colbert's printer is capable of processing and printing digital photographs having a photographic format. The examiner apparent attempted to rely on the system of Yamazo et al for teaching a stand-alone printer that is capable of processing and printing digital photographs, acquired by the external device, independent of an external host.

In response: Examiner on page 3, lines 3-4, and lines 13-14, final rejection mailed on 7/21/2004 states that "Colbert does not disclosed that the printer is capable of processing and printing digital photographs having a photograph format... modified the printing system of Colbert to include: using the printer of Colbert to process and print digital photographs having a photograph format"

From the above statement, the examiner is pointing out that nowhere in the reference that Colbert is clearly using the statement "the printer is capable of processing and printing digital photographs having a photograph format"; regardless Colbert's

printer is capable of processing and printing digital photographs having a photograph format.

The statement "modified the printing system of Colbert to include: using the printer of Colbert to process and print digital photographs having a photograph format" indicates that the examiner has already recognized that Colbert's printer is capable of processing and printing digital photographs having a photograph format. Therefore, the modification to Colbert's printer is only the using part- using the printer of Colbert to process and print digital photographs having a photograph format. There is no need to modify Colbert's printer in terms of software and hardware.

Appellant, on the middle of page 12, brief argues that Yamazoe et al does not disclose a standalone printer or a printer that is capable of processing digital photographs, acquired by an external device, independent of an external host because the printer drive of a computer calculate and process the photographic image to prepare the print data.

In response: Specification, page 3, lines 16-19, of appellant defines a digital photograph as "a photographic image captured by a light sensing electronic device (e.g., CCD, CMOS, CID or the light) and converted into a digital file. The CCD, (appellant's specification, column 3, line 18) is a sensing device that sense light waves and converts the light waves into electrical signals. The CCD clearly cannot convert the electrical signals into digital files. Therefore, converting RGB signals into digital files must require a host – such as the computer of Yamazoe.

Yamazoe, column 1, lines 43-46, column 1, lines 63-67, teaches input equipment such as CCD capture image data as RGB signals. The RGB signals captured by CCD or input equipment, are not digital photograph because it has not been converted in to digital file. The original RGB signals (not digital photograph yet) (original RGB image data, column 3, line 33) are then input into an external device/computer (100, fig. 1) to convert the original RGB signal into print command file using application programs (column 4, lines 25-30).

Column 4, lines 1-40, Yamazoe teaches, in order for a printer (the printer that is used by general users to print photograph, obtained from using digital cameras and photo scanners, at home, column 1, lines 25-30) to print, it requires an external host running application programs to convert image data into digital files (drawing commands, column 4, lines 20-30). The drawing command is further processed into printable data by a printer driver. For a raster printer (a printer that can print raster data only) the rasterization/ripping occurs in the host computer (column 4, lines 35-58). In Yamazoe's system, the print command file is further processed by an image correction circuit 120 before being rasterized by circuit 121. This circuit 121 is used for calculating a pixel pattern to be printed on a recording medium that represents the corresponding digital photograph (rasterization), which is similar to the process discussed in the appellant's specification, page 6, lines 3-5. The image correction process 120 of Yamazoe is similar to the optional image enhancing process discussed in the appellant's specification, page 6, lines 5-15. Since this process is optional, the image correction process 120 could be omitted. As far as for claim interpretation's concern,

the limitation of "processing and printing of digital photograph" means "rasterization (calculating a pixel pattern to be printed) and printing the rasterized image" which does not include the optional image correction/enhancement process.

Furthermore, the phase "capable of processing digital photographs, acquired by an external device, independent of an external host" does not imply the converting (process) of the captured image into a digital file (acquiring the digital photograph) independent of an external host. In fact, the acquiring of the digital photograph must dependent on a host. It is the processing and printing of the digital photograph (converted digital file) that is independent of an external host.

Although for a raster printer (a printer that can print raster data only) the rasterization/ripping occurs in the host computer (column 4, lines 35-43, Yamazoe); Colbert's printer is not a raster printer and Colbert's printer can perform rasterization/ripping (column 9, lines 53-60) of a digital file, as previously discussed.

Note: appellant's specification, column 5, line 29, column 6, lines 1-2, defines the digital photograph can take on all kinds of file formats.

Although Colbert's printer cannot perform the image correction process of Yamazoe and the optional image enhancement process of the appellant (which is not being claimed); Colbert's printer is more than capable of processing and printing the drawing command group (digital photograph) of Yamazoe of column 4, lines 30-35.

Also note that the printer command file of Yamazoe is in the same format of the printer command file created by word processor software running in Microsoft Window

environment (column 4, line 2 and line 17). Colbert's printer command file is similar (see word processor, column 7, line 24 and Microsoft Window, column 7, line 4).

Therefore, with Yamazoe, the examiner has proved that Colbert's printer is capable of processing digital photographs, acquired by an external device (such as the computer of Yamazoe), independent of an external host.

Appellant, on the bottom of page 12, brief, argues that there is no motivation or suggestion to utilize the printer of Yamazoe et al. as it teaches away from the present invention by requiring a host computer to calculate and process the photographic images for printing.

In response: The examiner is relying on Yamazoe to prove that Colbert's printer is capable of processing digital photographs, acquired by an external device, independent of an external host, without any modification being done to Colbert's printer. The examiner is not relying on the teaching of Yamazoe to modify the printer of Colbert. Although the examiner does rely on Yamazoe to modify the usage of Colbert in the office action, using a stand-alone printer to print digital photograph is not part of the claim; therefore, the motivation of using Colbert's printer's to print digital photograph is not being discussed here.

Appellant, on the bottom of page 13, and 14 brief, argues that Colbert et al. teach that printer 16, rather than host computer 11, determines a new message to be displayed (see column 24, lines 18-27). Colbert et al. disclose that this is significant (e.g., because it provides a true response of printer 16 to control actions initiated

through the replica). Therefore, Colbert does not teach that the instructions comprise content to be presented on a display of the stand-alone printer.

In response: Colbert, column 3, lines 65-67, column 4, lines 1-5, and abstract teaches a user of the computer can actuate any button on the operator panel display on the computer, such actuation whether single or combinational, results in the same response by the printer as would similar actuation of the physical control devices on the printer's operator panel (column 4,lines 57-65). The actuation of the button would send out a request/command/instruction to be processed by the NPAP task 131 of the printer (column 11, lines 1-15, column 13, lines 5-10). Column 10, lines 45-55, further teaches the content/information which is to be appears on the display 37 (both the printer and the host, fig. 1) at any given time is determined as a function of the present state of the printer 16 and input/instruction received as the result of the actuation of any push buttons of panel 35 of the printer or replica 35" of the host. Therefore, the instruction determines the content to be displayed.

Furthermore, column 10, lines 39-44, teaches pressing the pushbutton is to selects a value (content to be displayed) such as a paper size, font size, etc. (column 10, lines 28-35) and displayed on the display 37, 37', fig. 1 as a displayed value for the menu item.

Column 24, lines 18-27 teaches that printer 16, rather than host computer 11, determines a new message to be displayed. This means that the printer (printer state manager and menu manager, column 24, lines 1-5) is interpreting the received instruction/selected value (for example, a user is selecting font size 16 to be displayed

as user selected font size) to determine what the display content is meant to be. The printer rather than the host determines the new message to appear on display field in response to selection by users at the host does not imply that the instruction/selection by the user does not comprise content to be presented on a display of the printer. All the teaching is that the determining step (of the displayed content contained in the received instruction) is performed by the printer.

Appellant, on page 15 and page 16, brief, argues Colbert does not teach the computer processing user inputs to the stand-alone printer because the user input is processed by the printer.

In response: Column 24, lines 15-25, Colbert teaches that the printer determines the new display message to appear on the display field of display 37 of the computer based on a user input to the printer (column 4, lines 55-65). For example, a user input a new value as the font size, this new user input value is to also to be displayed by the computer, column 10, lines 28-35, column 10, lines 35-41.

The new user inputted value is to be transmitted to the host as a communication packet (column 12, lines 45-50), which is to be processed by the host to obtain control information (column 13, lines 17-20) to determine what is to be displayed column 22, lines 55-67, fig. 1.

In the appellant's invention, the computer and the printer are separate devices. Therefore, the actual user's input to the printer cannot be processed by the computer. The printer must creates a communication signal/packet to be transmitted to the

computer based on the user's input to the printer. The computer can then process the transmitted signal/packet.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

April 15, 2005

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